



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

April 19, 2017

Docket No. TSCA-AL-2017-041

Fabio DaSilva  
Top Quality Painting  
26 Washington St.  
Naugatuck, CT 06770

**Advisory Letter Regarding Alleged Violations of the EPA's Renovation, Repair and Painting Rule**

Dear Mr. DaSilva:

The New England Office of the U. S. Environmental Protection Agency (EPA) received an anonymous tip and complaint on March 22, 2017 concerning an exterior painting job that your firm was hired to do at a residential property located at 73 Old Hyde Road in Weston, CT. Public records for this property indicate an original build date of 1969, thereby invoking the EPA's RRP Rule absent proof that the surfaces being disturbed were "lead free". You were hired by the property owners, Edward & Kathleen Nusbaum, who reside at the adjacent property located at 77 Old Hyde Road. The work took place on or about July 20, 2015.

The complaint alleges a number of RRP violations, including:

- Prior to beginning the work, you failed to provide the residents with the Renovate Right pamphlet as required by the RRP Rule's "pre-notification" requirement.
- You, as a "Certified Renovator", failed to provide the proper supervision and training in RRP lead-safe work practices of your two workers who were assigned by you to do the job.
- Your workers failed to follow the required containment procedures with respect to the lead dust and debris that resulted from the work done without using the appropriate containment procedures.
- You allowed your workers to do power sanding of the exterior without the required HEPA vacuum attachment thereby resulting in substantial contamination of both the exterior and interior of the home as a result of the windows being left open at the suggestion of your workers.
- Your workers, again absent your required supervision, power washed the entire exterior of the house without using the required containment and disposal procedures as stipulated by the RRP Rule.
- Work on the windows was also done without the appropriate RRP lead-safe work practices.
- Lastly, you as the Certified Renovator failed to conduct the final RRP Cleaning Verification which is mandated by the RRP Rule.

A contractor, property owner, manager, or other renovator who has failed to comply with RRP Rule requirements has committed a prohibited act under TSCA Section 409, 15 U.S.C. § 2689, and is liable for civil penalties under TSCA Section 16, 15 U.S.C. § 2615.

Please be advised that all future painting and/or repairs involving target housing must be made in strict accordance with the RRP Rule. Issuance of this advisory does not preclude EPA from pursuing any other remedies or sanctions authorized by law. Such sanctions may include administrative, civil, and/or criminal action which may be available to EPA based on the failure to comply with the RRP Rule or their authorizing statutes.

Compliance with EPA's lead paint rule is required by federal law. Failure to comply may result in substantial penalties. Please confirm whether you are still in the business and, if so, please reply to this letter with a copy of your EPA Firm Certification and/or apply for it online. When applied for online, please provide us with the receipt that is automatically generated when you have completed the online application process. Here is the link to the online EPA Firm Certification application:  
<https://www.epa.gov/lead/getcertified>

If you have any questions regarding this advisory, please contact Mike Browne at (617) 918-1765.

Thank you.

Sincerely,



Molly Magoon  
Toxics and Pesticides Unit  
US EPA Region 1 (New England)  
5 Post Office Square, Suite 100 (OES05-4)  
Office of Environmental Stewardship  
Boston, MA 02109-3912

cc: Krista Legg Veneziano, CT DPH  
Mark Cooper, Director of Health, Westport-Weston Health District  
File



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**New England - Region 1  
5 Post Office Sq., Suite 100  
Boston, MA 02109-3912**

**In the Matter of: Top Quality Painting; Docket No.: TSCA-AL-2017-041**

April 19, 2017

Issued to:

Mr. Fabio DaSilva  
Top Quality Painting  
26 Washington Street  
Naugatuck, CT 06770

**AFFIDAVIT CERTIFYING COMPLIANCE**

By signing this Affidavit, I acknowledge receipt of an EPA Advisory Letter disclosing an EPA finding of potential violations and, further, indicate my intention to address such alleged violations, as indicated in the Advisory Letter.

I certify under penalty of law that I have personally examined and am familiar with the information submitted pursuant to this request; that, to the best of my knowledge and belief, the submitted information is true, accurate and complete; and that all documents submitted are complete and authentic, unless otherwise indicated.

I certify that I am fully complying with the RRP Rules. The pages accompanying this Affidavit demonstrate my full compliance.

Additional Statement:

---

---

---

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print name: \_\_\_\_\_ Office or Title: \_\_\_\_\_

**Within 30 days of Receipt of this Notice, please mail the original copy of this signed "Affidavit" form and any copies of the requested documentation to:**

Molly Magoon  
U.S. EPA - New England (OES 5-04)  
5 Post Office Square  
Boston, MA 02109-3912